

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

CRIMINAL #03-10361-RWZ-03

UNITED STATES

v.

SCOTT FINK

**MOTION FOR AN ORDER DIRECTING
MARSHALS TO MAKE DEFENDANT AVAILABLE TO
BRISTOL COUNTY SHERIFF'S DEPARTMENT ON
NOVEMBER 21, 2005 FOR HEARING IN FALL RIVER DISTRICT COURT**

The defendant Scott Fink moves that the Court order that the U.S. Marshals Service make the defendant available to the Bristol County Sheriff's Department on November 21, 2005 so that the defendant can be taken to the Fall River District Court for a hearing on that date. In support of this motion, the defendant states:

1. The defendant has been detained on this case since he was brought into the federal system.
2. The defendant has challenged several of his underlying state court convictions that were imposed in the Fall River District Court. The Court, Hon. Gilbert J. Nadeau, Jr., scheduled a hearing on those motions to withdraw his guilty pleas for November 4, 2005 in the Fall River District Court. Judge Nadeau issued a writ of habeas corpus ad prosecudendum for Mr. Fink's appearance. This Court allowed the defendant's motion for an order directing the Marshals to make Mr. Fink available to the Bristol County Sheriff's Department on

November 4, 2005. Despite the cooperation of the Marshals and the Assistant U.S. Attorney, the Bristol County Sheriff's Department refused to pick up Mr. Fink. At the November 4 hearing, Judge Nadeau did not go forward with the hearing because of Mr. Fink's absence. Instead, he rescheduled the matter for November 21, 2005, and he stated that he will enter an order directing the appropriate state agency to pick up Mr. Fink from the Marshals' custody on November 21, transport him to Fall River, and return him to the Marshals' custody at the federal courthouse at the conclusion of the Bristol County hearing

3. The hearing in the Fall River District Court will be concluded on November 21, 2005, so the defendant can be returned to federal custody on that date.
4. If the motions are granted by Judge Nadeau, the defendant's criminal history calculation in this court will be affected.

Respectfully submitted,

SCOTT FINK

By his attorney,

/s/ Charles W. Rankin

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